

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

State of Oklahoma, et al.
Plaintiff(s)

vs.

Case Number: 4:05-cv-00329-TCK-SAJ

Tyson Foods, Inc. et al.
Defendant(s)

SUBPOENA IN A CIVIL CASE

TO: Bill Ray Anderson
Betty Faye Anderson
18861 E. 570 Rd.
Colcord, Ok

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☒ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

See attached legal descriptions and Sampling Request

May 5, 2006 @ 9:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR

DATE

April 13, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Richard T. Garren, OBA #3253, Attorney for Plaintiff

502 W. 6th St.

Tulsa, Ok 74119

918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Revenue: \$22.00

WARRANTY DEED

(Statutory Form—Individual)

BOOK 353 PAGE 428

KNOW ALL MEN BY THESE PRESENTS:

THAT RAYMOND A. ANDERSON, same person as RAY ANDERSON, andHAZEL ANDERSON, husband and wife,

part ies of the first part, in consideration of the
sum of One and no/100 dollars,

and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do

hereby grant, bargain, sell and convey unto BILLY RAY ANDERSON, Route 4, Siloam Springs,Arkansas 72761

part y
of the second part, the following described real property and premises situate in Delaware

County, State of Oklahoma, to-wit:

The W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the 7
NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
containing 140 acres, more or less, all in Section 30, Township

20 North, Range 25 East, Delaware County, Oklahoma



STATE OF OKLAHOMA
DELEWARE COUNTY
I hereby certify that this instrument
was filed for Record this day

1977 FEB -3 AM 11:34

#9075 BOOK 353 PAGE 428
SAM FIELDS, County Clerk
India B. B. Deputy

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said part y of the second part,

his

heirs and assigns forever, free, clear and discharged of and from all former grants,
charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

Signed and delivered this 3rd day of February, 19 77RAYMOND A. ANDERSON, same person as RAY ANDERSONRay AndersonHAZEL ANDERSONHazel Anderson

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA County of DELAWARE SS.
Before me a Notary Public in and for said County and State, on this 3rd day of February, 19 77,
personally appeared RAYMOND A. ANDERSON, same person as RAY ANDERSON, and
HAZEL ANDERSON, husband and wife,

to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the
same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires September 11, 1978

Lonya C. Hughes Notary Public

664 08

FILED
STATE OF OKLAHOMA
DELAWARE COUNTY

'92 AUG 26 PM 2 57

GENERAL WARRANTY DEED

(With Survivorship Clause)

BOOK 664 PAGE 08
MARGARET MELLER COUNTY CLK
BY BJ #7485
DEPUTY

THIS INDENTURE, Made this 17th day of July, 1992 between JOSEPH JACK PETTY, a single person, party of the first part, and BILL RAY ANDERSON and BETTY FAYE ANDERSON, husband and wife, with right of survivorship, as hereinafter set out, parties of the second part, of P. O. Box 1376, Siloam Springs, Arkansas, 72761.

WITNESSETH: That in consideration of the sum of TEN DOLLARS and other good and valuable considerations, receipt whereof is hereby acknowledged, said party of the first part does by these presents grant, bargain, sell and convey unto BILL RAY ANDERSON and BETTY FAYE ANDERSON, husband and wife, as joint tenants and not as tenants in common, on the death of one the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the following described real estate situated in Delaware County, State of Oklahoma, to-wit:

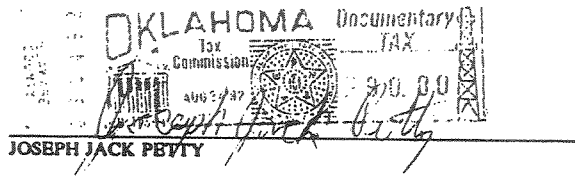
The S 1/2 of NE 1/4 of NW 1/4 and the SE 1/4 of NW 1/4 of Section 33, Township 20 North, Range 25 East containing 60 acres, more or less, according to the Government Survey thereof, in Delaware County, Oklahoma.

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said party of the first part, his heirs, successors, grantees, executors and administrators do hereby covenant and agree to and with said parties of the second part that, at the delivery of these presents, he is lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, judgments, estates, taxes, assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements and building restrictions of record and special assessments not yet due; and mortgage lien to Arkansas State Bank, Siloam Springs, Arkansas, which party Grantor agrees to pay as due.

AND that party grantor will WARRANT AND FOREVER DEFEND the same unto said parties of the second part, their heirs, successors and assigns against said party of the first part, his heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, party of the first part has executed or caused to be executed, this instrument the day and year first above written.



STATE OF ARKANSAS)
COUNTY OF BENTON)

(OKLAHOMA FORM OF ACKNOWLEDGMENT)

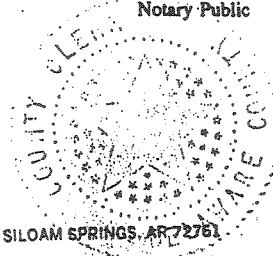
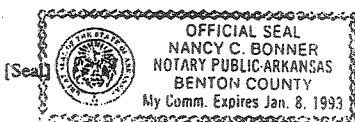
Before me, the undersigned, a Notary Public, in and for said County and State, on this 17th day of July, 1992, personally appeared JOSEPH JACK PETTY, a single person, to me well known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

My commission expires:

Nancy C. Bonner

Notary Public



RETURN TO: CARL BONNER · BOX 577 · SILOAM SPRINGS, AR 72761

AND SUCH ADDITIONAL PROPERTY LOCATED WITHIN:

SECTIONS 8, 9, 16 OR 17
OF TOWNSHIP 20 NORTH, RANGE 25 EAST,
DELAWARE COUNTY, OKLAHOMA,

IN WHICH YOU HAVE ANY OWNERSHIP OR LEASEHOLD INTEREST.

Waste Samples from Productions Facilities (Poultry Houses)

A total of 18 samples of waste will be collected from each house. The samples will be collected at regular intervals covering the total length of the facility using a zigzag pattern. Both litter and cake samples will be collected. A steel spade will be used to collect the samples and place them in a plastic bag contained inside a 5 gallon bucket. After collection of all the samples, the bag and bucket will be sealed. All sampling equipment and reusable personnel equipment will be decontaminated using water, phosphate free soap and 6 percent bleach.

Soil Samples from Waste Applied Fields

Equipment and personnel will be transported to the field in a truck or van. At each field between one and four sampling areas will be identified. Each of the sampling areas will be between one and ten acres in size. At each sampling area, a regular grid pattern of 20 sample locations will be established. At each of the 20 sampling locations, individual soil samples will be collected at three depths: 0 to 2 inches, 2 to 4 inches, and 4 to 6 inches. Individual samples will be placed in plastic bags with labels. All sampling equipment and reusable personnel equipment will be decontaminated between fields using water, phosphate free soap and 6 percent bleach.

Rainfall Runoff Samples

At or near the edge of fields where waste has been applied, rainfall runoff sampling locations will be selected. These locations will typically be low or sloped areas where water will runoff or accumulate. Where runoff water accumulates in a natural depression, the water may be sampled directly from these locations. Rainfall runoff sampling will be conducted from time to time through June 30, 2006 as rainfall events occur.

Groundwater Samples

Samples of groundwater will be collected using a hydraulic pushed sampling device (probe) mounted on the back of a van or truck. The small diameter probe (usually about two inches in diameter) will be pushed into the subsurface at selected locations on or near the edge of fields where waste has been applied. Groundwater will be collected using a small pump or by inserting a small tube inside the probe. At selected locations (up to three per field), a plastic pipe will be placed in the probe hole to allow repeated sampling of the groundwater. To stabilize the pipe, a small concrete pad will be placed around and over the pipe. If requested by the owner, the pad and pipe will be flush with the ground surface. If the probe cannot penetrate the subsurface, an auger drilling rig may be used. Upon completion the ground will be restored to preexisting condition. Grab sample method will be used to gather data from existing wells or springs using scientifically accepted collection procedures.